

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 UNITED STATES OF AMERICA, )

2:12-CR-00063-PMP-RJJ

8 Plaintiff, )

9 vs. )

**ORDER**

10 )  
11 MELISSA HACK, )

12 Defendant. )  
13 \_\_\_\_\_ )

14  
15 On January 23, 2013, the Court conducted a hearing to consider the  
16 arguments of counsel regarding Defendant Melissa Hack's Motion for Revocation  
17 or Amendment of Detention Order (Doc. #65) filed December 14, 2012. For the  
18 reasons set forth below, the Court finds Hack's Motion must be denied.

19 Defendant Melissa Hack, and two co-Defendants, her brother Ross Hack,  
20 and Leland Jones, are charged in a four count Indictment returned February 28,  
21 2012, with two counts of murder while on federal land in violation of 18 U.S.C. §§  
22 7(3) and 1111, two counts of using a firearm during a crime of violence in violation  
23 of 18 U.S.C. §§ 924(c) and (j), and four counts of aiding and abetting in violation of  
24 18 U.S.C. § 2. Hack surrendered to law enforcement on February 29, 2012, and her  
25 case is currently under review the United States Department of Justice "Death  
26

1 Penalty Protocol” to determine whether Plaintiff United States will seek imposition  
2 of the death penalty should Hack be convicted of the murder crimes charged.

3         The Government previously moved for pretrial detention pursuant to 18  
4 U.S.C. § 3142(f), and on February 29, 2012, the presiding Magistrate Judge found  
5 that Hack had failed to rebut the presumption of detention triggered under 18 U.S.C.  
6 § 3142(e)(3)(B) and (2), and that by clear and convincing evidence, Hack “poses a  
7 substantial risk of danger to the community” and a substantial risk of non-  
8 appearance. (Doc. #15).

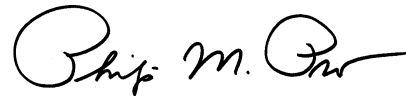
9         On April 13, 2012, Hack filed a Motion to Reopen Detention (Doc. #35).  
10 In a detailed Order (Doc. #40) entered June 19, 2012, the Honorable C.W. Hoffman,  
11 Jr. , United States Magistrate Judge, thoroughly outlined the history of this case and  
12 the pertinent factors which warranted denial of Defendant Hack’s Motion to Reopen  
13 Detention (Doc. #40). The Court has conducted a *de novo* review of the prior  
14 proceedings relating to detention before the Magistrate Judge, and further has  
15 considered the arguments of counsel set forth on the papers and at the hearing  
16 conducted January 23, 2013. Based upon this review , the Court finds no reasonable  
17 cause presented to warrant either revocation or amendment of Defendant Melissa  
18 Hack’s Detention Order.

19         Specifically, each of the factors specified by the Magistrate Judge in the  
20 prior Order of Detention soundly support the detention of Defendant Hack both as a  
21 danger to the community and a risk of flight. The two-part presumption provided in  
22 18 U.S.C. § 3142(e) clearly applies to Defendant Hack in this case. Although that  
23 presumption does not mandate detention, the Court finds it is particularly forceful in  
24 a case such as this where the charged use of firearms involves the alleged well  
25 planned and premeditated murder of two individuals subjecting Defendant Hack, if  
26 convicted, to potential sentences of life imprisonment or death.

1           The Court concurs with the prior findings of the Magistrate Judge that  
2 Defendant Hack has failed to rebut the presumptions against her in this case.  
3 Neither has Defendant Hack demonstrated that the proposed conditions of release  
4 contained in the instant Motion (Doc. #65) would reasonably secure her presence at  
5 future court proceedings or ensure the safety of the community. Well beyond such  
6 cognizable factors under 18 U.S.C. § 3142(g) such as the nature and circumstances  
7 of the offenses charged, the weight of the evidence against her, and the nature and  
8 seriousness of the danger posed by her release, the Hack's history and characteristics  
9 weigh against her release at this time. Her prior criminal record reflects convictions  
10 for violent and narcotics related crimes, and also for violations of probation and  
11 parole. Such history and characteristics do not comport with Defendant Hack's  
12 argument that conditions of release could be fashioned which would reasonably  
13 guard against future criminal conduct. The Court concluded that the prior order of  
14 detention was warranted and that no reasonable grounds have since been permitted  
15 to justify any modification thereto.

16           **IT IS THEREFORE ORDERED** that Defendant Melissa Hack's Motion  
17 for Revocation or Amendment of Detention Order (Doc. #65) is **DENIED**.

18 DATED this 24<sup>th</sup> day of January, 2013.

19  
20  
21 

22 PHILIP M. PRO  
23 United States District Judge  
24  
25  
26